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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,142	11/14/2003	Robert Edward Williams		2384

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ROBERT EDWARD WILLIAMS
P.O. BOX 152
LLANO, CA 93544

EXAMINER

GUTIERREZ, ANTHONY

ART UNIT PAPER NUMBER

2857

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/714,142	Applicant(s) WILLIAMS, ROBERT EDWARD	
	Examiner Anthony Gutierrez	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The reference to Isenberg, "Science of Soap, Films and Soap Bubbles" has not been considered because no copy of the reference has been received.
2. The following action has been taken by the Examiner with respect to Applicant's disclosure:
 - Objection to the Specification for being so incomprehensible as to preclude a reasonable search of the prior art.
 - Objection to the Specification for inclusion of terminology which is so different from that which is generally accepted in the art such that a proper search of the prior art cannot be made.
 - Rejection under 35 U.S.C. 112, 1st paragraph, for lacking enablement.
 - Rejection under 35 U.S.C. 112, 2nd paragraph, for failing to distinctly claim Applicant's invention.

Specification

3. The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood:

The Applicant has provided two glossaries in the Specification.

A Brief Glossary is provided in the "BACKGROUND—DESCRIPTION OF PRIOR ART".

It is here that the Applicant has stated "In order to facilitate a clear understanding of

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the nature and intent of the present invention the following terms, definitions, distinctions, and assumptions are specified and designated by the inventor, and in constant use in this patent".

The Applicant, however, has also provided an Annotated Glossary in the "THEORY OF THE INVENTION". It is here that the Applicant has expanded on the Brief definitions to include subject matter that is speculative.

For example, the Applicant has stated that the term 'Event' is present in the sense that reflects a **verb** rather than a **noun**, and that a 'Platen' is the fundamental area of space along which forces (including friction, Van der Wall, and Gravity) can **move**, as opposed to **cause movement**. The Applicant has further stated that 'Platens' act as gateways through which **pristine Space emerges and infuses into cognate Space**.

The "DETAILED DESCRIPTION-PREFERRED EMBODIMENTS OF THE PRESENT INVENTION" and the claims include the use of the words defined in both glossaries.

Although the Applicant has designated specificity to the terms in the Brief Glossary, the Examiner must object to the Specification as being incomprehensible as the Brief Glossary is disclosed relative to the background of the invention, and the Annotated Glossary is disclosed relative to the theory of the invention itself.

If the Annotated Glossary was omitted, or provided relative to the background and the Brief Glossary relative to the invention itself, the Examiner would not object to the Specification as being incomprehensible, as the only possible interpretation for the terms in the description of the preferred embodiments and the claims would be that of the Brief Glossary.

As it currently stands, there is a conflict between the Examiner's requirement to search the prior art as it relates to the **specified and designated** terms of the Brief Glossary, and the requirement to search the prior art as it relates to the Applicant's **inventive subject matter** (the subject matter of the Annotated Glossary).

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

4. A preliminary examination of this application reveals that it includes terminology which is so different from that which is generally accepted in the art to which this invention pertains that a proper search of the prior art cannot be made. For example:

The definitions of the term Space in both glossaries and the term Event in the Annotated Glossary have been defined with meanings different with that which is generally accepted in the art to which this invention pertains.

The Examiner has mentioned above that the term 'Event' is characterized as a verb rather than its usual understanding as a noun. The Examiner is unclear as to how the Applicant is intending to designate this term in the Annotated Glossary and it should be corrected regardless of which glossary is ultimately properly designated.

The term 'Space', however, as defined in **both** glossaries, is defined in such a way that the Examiner must object to the Specification.

The Examiner believes that the definition of 'Space' that is continuously emerging from an unknown meta-dimensional source, may possibly be consistent with a **theoretical** understanding of the meaning of the term, but not with an **applied** understanding of the meaning of the term in which space is a limited dimensional extent.

The Examiner objects to the theoretical definition, as designated specifically in this case, as it leads to a lack of enablement that an applied definition would not lead to.

Applicant is required to provide a clarification of these matters or correlation with art-accepted terminology so that a proper comparison with the prior art can be made. Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

If the Examiner were to rely, with respect to the claimed invention, on the terms as defined in the Annotated Glossary, then the terms 'Event' and 'Platen' would contain subject matter that would not enable one skilled in the art to make and use the invention, as it is unclear how to function with an 'Event' that reflects a verb rather than a noun, or a 'Platen' in which forces can move, as opposed to cause movement.

Furthermore, the claims are all drawn to showing Spatial-energetic relationships and involve the use of Domains and Domain boundaries.

The Annotated Glossary states that a 'Domain' extends "indefinitely until it is bounded by interactions with another Domain or a plurality of Domains ". A reliance on this definition would lead to the realization that one skilled in the art would have no means by which to ascertain the extent of a Domain, as it would first rely on the recognition of the extent of other Domains or Domain clusters.

Even if the understanding provided in the Brief Glossary is to be employed such that a Domain is essentially an area, volume, or hyper-volume, the definition is still clear that the Domain belongs to a specific Event, and would be bounded by a Domain Boundary that is a Spatial-energetic enclosure of a unitary Domain of an Event. The definition for the term Space in either glossary is such that Space is a form of energy emerging as dimensions, and that Space is continuously emerging out of Platens from an unknown meta-dimensional source.

One skilled in the art would not be enabled with the ability to determine by these definitions, a Spatial-energetic Domain Boundary, unless they had understanding of how to designate the enclosure of an Event relative to the energetic relationship of the emergence out of Platens from an unknown metadimensional source.

There does not seem to be any indication in the disclosure that the Applicant has provided a means for the determination of such a Spatial boundary.

In the drawings, The Applicant has represented volumes which could be considered to be Domains that are bounded around representations of Events with surrounding Space, but the Domain limits seems to be conceptual, in other words, there is apparently an arbitrary extent by which the Domain space is extended.

Were the Applicant's claim to be understood with the specific definition of 'Space' in either glossary, the representation of Space could not be arbitrary or conceptual, but would necessarily show a representation of an actual Domain limit as applied to emerging Space from an unknown meta-dimensional source.

The Examiner finds enablement for the geometrical combination of structures, and the representative mapping of these structures, once determined, but finds no means for enablement to **originally** determine the representation of the **ACTUAL** Domain limit as it applies to emerging space from an unknown meta-dimensional source, for any given Spatial Domain or Spatial-energetic relationship.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims are clear and definite with respect to structure, but they are neither clear nor definite with respect to which specific definitions are to be employed (Brief Glossary or Annotated Glossary) as addressed above.

Since it is unclear what meanings to assign the words of the claims, the claims are indefinite.

The Examiner has already addressed the problems with respect to the term 'Event' due to the distinction of the term as reflecting a verb, rather than a noun.

Furthermore, Applicant's definition in the Annotated Glossary of 'Event' is also vaguely described by use of the phrase "the above" with respect to "a localized clustering of a plurality of the above" and "may also be an entire class of the above" and of the term "kind" with respect to the phrase "either of one kind or in combination with other kinds".

The Applicant therefore does not clearly define the term 'Event' in the Annotated Glossary, and therefore it could not be employed in the claims without causing the claims to be indefinite.

9. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the specific steps for generating the multi-dimension and multi-hierarchical maps.

Claims 1-6 incorporate limitations as to what is **represented** in the maps **once generated**, but do not specifically address the steps necessary for **actually generating** the maps, as claimed in the preamble.

10. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the systematic showing of multi-dimensional and multi-hierarchical spatial and energy relationships among events in the universe on a map.

The system that is claimed mentions components of a mapping system, but does not address how the components **actually provide** to a user of the invention, **a showing of spatial and energy relationships**, as claimed in the preamble.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Gutierrez whose telephone number is (571) 272-2215. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anthony Gutierrez

7/28/05


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800